

REMARKS

The rejections of Claims 1 and 9 under 35 U.S.C. § 102(e) as anticipated by U.S. 6,110,882 (Aspar et al), and of Claims 3, 8 and 11 under 35 U.S.C. § 103(a) as unpatentable over Aspar et al in view of U.S. 6,515,335 (Christiansen et al), are respectfully traversed.

Independent Claims 1 and 9 herein are drawn to a semiconductor substrate *per se*, and a semiconductor device comprising the semiconductor substrate, respectively, the semiconductor substrate comprising first and second surfaces; and an oxide film apart from said first and second surfaces and extending throughout said semiconductor substrate, subject to the following two conditions:

(1) the oxide film is located at a distance that is closer to said second surface than to said first surface, and

(2) an epitaxial layer is disposed on said first surface.

Aspar et al discloses a structure having a low dislocation density comprising an oxide layer 6 buried in, and subdividing a substrate into two parts, namely, a silicon film 10 and a substrate mass 4 (column 4, lines 9-12), upon which film 10 an epitaxial silicon layer 14 is formed (column 4, lines 45-48). Aspar et al discloses further that it is possible to obtain a buried layer with a thickness of 400 nm (column 4, lines 6-8). The above-discussed disclosure indicates that the buried oxide layer 6 is located at a distance closer to silicon film 10 than to substrate mass 4.

Assuming that above condition (1) is satisfied by Aspar et al, the substrate mass 4 and the silicon film 10 of Aspar et al would be identified as the first surface and second surface, respectively. However, in that case, condition (2) is **not** satisfied. Nor is there any suggestion in Aspar et al that it be satisfied.

The Examiner relies on Christiansen et al for its disclosure of a buried oxide layer having a thickness within the terms of the rejected claims. However, Christiansen et al has an

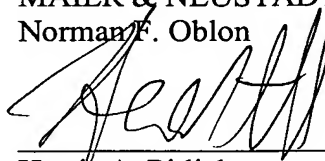
effective prior art date of January 4, 2002 under 35 U.S.C. § 102(e). The presently-claimed invention, on the other hand, is entitled to the U.S. filing date of the parent application, which is September 25, 2000. Thus, Christiansen et al is not prior art herein.

For all the above reasons, it is respectfully requested that the rejections over prior art be withdrawn.

Applicant gratefully acknowledges the Examiner's allowance of Claims 2, 4 and 6, and the indication of allowability of Claims 10, 12, and 17. In addition, since rejected Claim 8 depends on allowed Claim 4, it appears that the Examiner's listing of Claim 8 in the above-discussed rejection was in error. Nevertheless, Applicant respectfully submits that all of the presently-pending claims are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Harris A. Pitlick
Registration No. 38,779

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
NFO/HAP/cja